

Exhibit 45

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009



U.S. Citizenship
and Immigration
Services

May 1, 2025

DECISION

MEMORANDUM FOR THE SECRETARY

FROM:

Kika M. Scott KIKAM SCOTT Digitally signed by KIKAM SCOTT
Date: 2025.05.01 18:02:18 -0400
Senior Official Performing the Duties of Director

SUBJECT:

Temporary Protected Status for Nicaragua

Recommendation: U.S. Citizenship and Immigration Services (USCIS) is presenting a recommendation of termination for the Temporary Protected Status (TPS) designation for Nicaragua based on a review of current conditions in Nicaragua.

Purpose: Nicaragua's existing TPS designation will expire July 5, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.¹ If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation.² If the Secretary does not make a timely decision about whether the country no longer meets the conditions for TPS designation, the designation is automatically extended for an additional period of at least six months.³ Accordingly, USCIS has completed a review of the conditions in Nicaragua to inform the consideration of the TPS action and is presenting a recommendation of termination for your consideration.

As part of the review process, USCIS consulted with the Department of State (DOS) in two instances. In a report and recommendation received on December 31, 2024, the prior DOS Secretary recommended an 18-month extension of TPS for Nicaragua based on environmental disaster and a new designation of TPS for Nicaragua based on extraordinary and temporary conditions.⁴ A new designation would move up the eligibility dates to cover aliens who arrived after the previous TPS designation. Since receiving that recommendation, DHS requested an

¹ Immigration and Nationality Act (INA) sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). *See generally* Attachment A: Temporary Protected Status Legal Authority.

² INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

³ INA sec. 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

⁴ *See* Attachment D: 2024 DOS Recommendation and Country Conditions Report on TPS for Nicaragua.

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updated recommendation of current country conditions from DOS from its current Secretary. As of May 1st, 2025, USCIS has not received an updated recommendation from DOS. For the reasons set forth below, we agree that ample information on the current country conditions in Nicaragua support TPS termination.

Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. TPS designations are time-limited and must be periodically reviewed. The statute inherently contemplates advance notice of a termination by requiring the Secretary to make a decision at least 60 days before the current expiration date and delaying the effective termination date by at least 60 days after publication of a *Federal Register* notice of the termination or, if later, the existing expiration date.⁵

TPS Overview: Nicaragua was initially designated for TPS on January 5, 1999, based on Hurricane Mitch in 1998, that resulted in substantial, but temporary, disruption of living conditions.⁶ The designation had been continuously extended since its initial designation until November 6, 2017, when former Acting Secretary of Homeland Security Elaine Duke announced her decision to terminate Nicaragua's TPS designation with a 12 month delayed effective date.⁷ In December 2017, DHS published the termination of TPS for Nicaragua to be effective January 5, 2019, finding that the disruption of living conditions from the 1998 hurricane had decreased and that Nicaragua no longer met the conditions for designation of TPS.⁸ However, in response to litigation, DHS announced on March 1, 2019, that it would not implement or enforce the decision to terminate TPS for Nicaragua. DHS instead continued the validity of TPS-related documentation for Nicaraguan beneficiaries through January 2, 2020.⁹ On November 4, 2019, to comply with ongoing litigation, DHS further continued and extended TPS-related documentation for Nicaraguans through January 4, 2021.¹⁰ While litigation continued, DHS published three additional *Federal Register*

⁵ See INA sec. 244(b)(3), (d)(3); 8 U.S.C. 1254a(b)(3), (d)(3).

⁶ *Designation of Nicaragua Under Temporary Protected Status*, 64 FR 526 (Jan. 5, 1999).

⁷ DHS Press Release, *Acting Secretary Elaine Duke Announcement on Temporary Protected Status for Nicaragua and Honduras*, available at: <https://www.dhs.gov/archive/news/2017/11/06/acting-secretary-elaine-duke-announcement-temporary-protected-status-nicaragua-and-honduras>.

⁸ *Termination of the Designation of Nicaragua for Temporary Protected Status*, 82 FR 59636 (Dec. 15, 2017).

⁹ Pursuant to an order to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731, pending resolution of related claims being litigated before the Ninth Circuit Court of Appeals in *Ramos v. Nielsen*, No. 18-16981, DHS published a notice that it will not implement or enforce the decision to terminate TPS for Nicaragua. TPS Beneficiaries from Nicaragua retained TPS, provided that an individual's TPS status is not withdrawn because of ineligibility. See *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019) and *Ramos v. Nielsen*, 326 F. Supp. 3d 1075 (N.D. Cal. 2018). See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador*, 84 FR 7103 (March 1, 2019).

¹⁰ To comply with the preliminary injunctions issued in *Ramos v. Nielsen* and *Saget v. Trump* and the order to stay proceedings in *Bhattarai v. Nielsen*. See *Saget v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019). See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 84 FR 59403 (Nov. 4, 2019).

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Notices (FRNs in 2020,¹¹ 2021,¹² and 2022¹³) extending the validity of TPS and TPS-related documentation for Nicaraguan beneficiaries. Finally, on June 21, 2023, DHS published an FRN reconsidering and rescinding the prior administration's termination of the Nicaragua TPS designation. The rescission was effective June 9, 2023, and the new 18-month extension of TPS for Nicaragua began on January 6, 2024, and will remain in effect through July 5, 2025.¹⁴

To be eligible for TPS under Nicaragua's current designation, along with meeting the other eligibility requirements, aliens must have continuously resided in the United States since December 30, 1998, and have been continuously physically present in the United States since January 5, 1999. There are currently approximately 4,000¹⁵ beneficiaries and approximately 300¹⁶ pending initial applications under Nicaragua's TPS designation.¹⁷

Description of Country Conditions: Nicaragua's current TPS designation is based upon the environmental disaster provision in the TPS statute. That provision requires a determination that (1) Nicaragua continues to experience an environmental disaster; (2) the disaster is causing a substantial, but temporary, disruption of living conditions in the affected area; (3) Nicaragua is unable, temporarily, to adequately handle the return of its nationals; and (4) Nicaragua officially requested a TPS designation.¹⁸

USCIS conducted a thorough review of conditions in Nicaragua. While Hurricane Mitch was a sudden catastrophe 26 years ago that caused severe flooding and associated damage¹⁹ leading to Nicaragua's TPS designation, the conditions resulting from Hurricane Mitch no longer cause a substantial, but temporary, disruption of living conditions, and Nicaragua is able to handle adequately the return of its nationals. Nicaragua has made significant progress recovering from the hurricane's destruction over the past two and half decades with the help of the international

¹¹ On December 9, 2020, DHS automatically extended the validity of TPS-related documentation for nine months through October 4, 2021, for Honduran aliens. *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 85 FR 79208.

¹² On September 10, 2021, DHS published a notice for a fifteen-month extension of TPS for aliens from Nicaragua until December 31, 2022, while the preliminary injunction in *Ramos* and the *Bhattarai* orders remained in effect. Extensions were previously set to expire on October 4, 2021. *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 86 FR 50725.

¹³ On November 16, 2022, DHS published a notice extending the validity period of TPS for covered aliens from several countries, including Nicaragua, June 30, 2024. *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 87 FR 68717.

¹⁴ *Reconsideration and Rescission of Termination of the Designation of Nicaragua for Temporary Protected Status; Extension of the Temporary Protected Status Designation for Nicaragua*, 88 FR 40294 (June 21, 2023). See also *Extension of Re-Registration Periods for Extensions of the Temporary Protected Status Designations of El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 88 FR 86665 (Dec. 14, 2023).

¹⁵ Estimate as of April 7, 2025.

¹⁶ Estimate as of April 7, 2025.

¹⁷ The DHS Office of Homeland Security Statistics has estimated that approximately an additional 485,000 Nicaraguan nationals have entered the United States and could become newly eligible for TPS if Nicaragua is newly designated. Estimate as of February 2025.

¹⁸ INA sec. 244(b)(1)(B), (b)(3).

¹⁹ National Environmental Satellite, Data, and Information Service, 25 Years Later: Looking Back at the October Monster Named Mitch (Oct. 27, 2023), available at: <https://www.nesdis.noaa.gov/news/25-years-later-looking-back-the-october-monster-named-mitch> (last visited Apr. 14, 2025).

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community²⁰ and is now a growing tourism, ecotourism, agriculture, and renewable energy leader.²¹ The full USCIS reports, upon which this recommendation is based, can be found in Attachments B and C,²² and a detailed discussion of these improved country conditions follows.

Improvements

Since the original 1999 TPS designation, Nicaragua has seen improvements in its infrastructure with projects focusing on road construction, school infrastructure, and health access.

Nicaragua has successfully completed projects for roads (\$131.8 million USD), education (\$69 million USD), and land administration (\$50 million USD).²³ Nicaragua has constructed three key bridges to mitigate flooding, as well as developed over 200 km (approximately 124 miles) of roads.²⁴ The Nicaragua Catastrophe Risk Insurance Project has improved land administration and management, and further investment projects have helped with housing, food insecurity, and restoring the health sector.²⁵

Nicaragua has become a worldwide tourist destination, while also promoting sustainability and revitalizing local communities.²⁶ Technological innovation is empowering local farmers and fishers, making the agriculture industry more competitive and profitable. In its 2024 investment climate statement for Nicaragua, the U.S. Department of State reported, “Despite repression and growing poverty, Nicaragua continues to show stable macroeconomic fundamentals, including a record-high \$5 billion in foreign reserves, a sustainable debt load, and a well-capitalized banking sector.”²⁷

A citizen of a foreign country who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa by showing, in general, an intent to return to their country of residence. In Fiscal Year (FY) 2024, approximately 17,500 Nicaraguan nationals were issued a nonimmigrant visa.²⁸

A number of Nicaraguan nationals located inside the United States have requested advance parole documents (APDs) for travel to Nicaragua, suggesting that nationals may safely travel there. From

²⁰ ProVention Consortium, Learning from Recovery after Hurricane Mitch: Experience from Nicaragua (Jan. 26, 2010), available at: https://www.preventionweb.net/files/12455_LearningfromMitchsummary1.pdf (last visited Apr. 14, 2025).

²¹ The Business Magnate, Nicaragua’s Lucrative Industries: Driving Economic Growth and Development, available at: <https://thebusinessmagnate.com/nicaraguas-lucrative-industries-driving-economic-growth-and-development/> (last visited Apr. 14, 2025).

²² See Attachments B and C.

²³ World Bank Group, The World Bank in Nicaragua: Overview, Oct. 8, 2024, available at: <https://www.worldbank.org/en/country/nicaragua/overview#3> (last visited Apr. 14, 2025).

²⁴ World Bank Group, The World Bank in Nicaragua: Overview, Oct. 8, 2024, available at: <https://www.worldbank.org/en/country/nicaragua/overview#3> (last visited Apr. 14, 2025).

²⁵ World Bank Group, The World Bank in Nicaragua: Overview, Oct. 8, 2024, available at: <https://www.worldbank.org/en/country/nicaragua/overview#3> (last visited Apr. 14, 2025).

²⁶ Outlook Travel, Nicaragua: Tourism Insights, Oct. 4, 2024, available at: <https://www.outlooktravelmag.com/travel-guides/central-america/nicaragua/nicaragua-tourism-insights/> (last visited Apr. 14, 2024).

²⁷ U.S. Department of State, 2024 Investment Climate Statements: Nicaragua, 2024, available at: <https://www.state.gov/reports/2024-investment-climate-statements/nicaragua/> (last visited Mar. 19, 2025).

²⁸ Estimates as of March 2025.

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October 1, 2023, through April 3, 2025, approximately 920 Nicaraguan nationals requested APDs, of which around 625 were for intended travel to Nicaragua (68%).²⁹

Additionally, U.S. Immigration and Customs Enforcement (ICE) is currently removing aliens to Nicaragua. From June 21, 2023, through March 2, 2025, ICE removed approximately 5,300 aliens to Nicaragua.³⁰ This removed population is larger than the current Nicaragua TPS population, indicating that Nicaragua is able to adequately handle the return of its nationals.

Population Estimate

Approximately 485,000 nationals of Nicaragua could potentially be newly eligible for TPS if Nicaragua were to be newly designated.³¹ Within this population, approximately 58,000 unauthorized aliens entered the United States before January 1, 2022 (a date that the DHS Office of Homeland Security Statistics (OHSS) uses as a baseline for its estimates). Approximately 5,000 nonimmigrants have overstayed since January 1, 2022. Approximately 326,000 aliens were encountered at a border or port of entry since that date without repatriation or relief, and approximately 89,000 aliens entered the United States unlawfully since that date and were not apprehended.³² Approximately 7,000 nonimmigrants in valid status have entered since January 1, 2018.³³

Options: You may take one of the following actions:

- 1) *Terminate Nicaragua's Designation for TPS (USCIS recommends this option based on a review of current conditions in Nicaragua)*
 - If you determine that Nicaragua no longer meets the statutory requirements for its TPS designation and/or is contrary to the national interest, you must terminate TPS for Nicaragua. Termination would end TPS benefits for existing Nicaraguan TPS beneficiaries after publication of a notice in the *Federal Register*. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence).

²⁹ Estimates as of April 2025. These figures do not necessarily include TPS beneficiaries, who receive a TPS Travel Authorization Document rather than an Advance Parole Document. USCIS does not collect intended destination country from TPS beneficiaries on form I-131, Application for Travel Documents, Parole Documents, and Arrival Departure Records.

³⁰ Estimates as of March 2025.

³¹ Estimate as of February 27, 2025. A new designation would advance the continuous residence date from Dec. 30, 1998, to a more recent date, which would make any Nicaraguan nationals who have been continuous residing in the United States since before that time potentially eligible for TPS. This is different from an extension, which would keep the continuous residence date unchanged and therefore extend TPS only for current beneficiaries.

³² Although not directly related to the statutory criteria for TPS determinations, DHS records indicate that there are Nicaraguan nationals (or aliens who last habitually resided in Nicaragua) who are TPS recipients or applicants who are or have been the subject of administrative investigations for fraud, public safety and national security. Of the TPS recipients or applicants, there are 3 alien numbers associated with a national security record, 55 numbers associated with a fraud record, and 9 numbers associated with a public safety record. No alien numbers are associated with a known or suspected terrorist (KST) record. Estimates as of April 14, 2025.

³³ Estimate as of December 4, 2024.

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- If you decide to terminate Nicaragua's designation, the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension.

2) No Decision/Automatic Extension

- After review of the assessment, you could choose not to make a determination about whether Nicaragua's TPS designation should be extended or terminated at this time. If you do not make a decision at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period of 12 or 18 months).
- Should you choose not to make a decision about whether the conditions supporting Nicaragua's designation continue to be met, an announcement of the automatic extension via *Federal Register* notice, including information to beneficiaries and employers about continued employment authorization and the period of extension is required. Note that you would then have to review conditions prior to the expiration of that extension.

3) Extend Nicaragua's Designation for TPS

- Under the TPS statute, if you determine that the statutory conditions for designation continue to be met, you must extend the TPS designation for an additional period of 6, 12, or 18 months.³⁴ Nicaragua was initially designated for TPS on January 5, 1999, based on an environmental disaster that resulted in a substantial, but temporary, disruption of living conditions.
- Should the decision be made to extend the designation of TPS for Nicaragua, only existing Nicaraguan TPS beneficiaries may re-register for TPS, and any aliens from Nicaragua who may have entered the United States after the current continuous residence date will not be eligible for an initial application for TPS.³⁵

Signature Level Justification: At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation.³⁶ The statute provides that there is no judicial review of any determination with respect to the designation, termination, or extension of a designation.³⁷

Timeliness: You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.³⁸ For Nicaragua's designation, which expires on July 5, 2025, you must make a decision by May 6, 2025, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal*

³⁴ Along with an extension of the TPS designation, the statute also provides that the Secretary may newly designate the country for TPS. See INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1).

³⁵ In certain circumstances, aliens may apply for TPS for the first time during an extension of the country's TPS designation period. The alien must qualify to file their application late and must independently meet all the TPS eligibility requirements.

³⁶ INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

³⁷ INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

³⁸ See INA sec. 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C).

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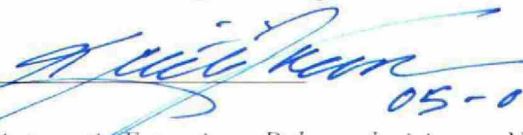
Register.³⁹ Your earliest decision will facilitate publication of the *Federal Register* notice, which communicates policy and appropriate procedures for TPS beneficiaries, their employers, and benefit-granting agencies.

USCIS Recommendation: USCIS recommends that TPS for Nicaragua be terminated based on a review of country conditions which demonstrate clearly that Nicaragua no longer meets the statutory requirements for TPS designation. Nicaragua has improved significantly from the impacts of Hurricane Mitch, the environmental disaster upon which it has been designated for TPS. Further, USCIS recommends that the statutory minimum of 60 days following publication of the FRN for the effective date for the effective date of the termination, as that provides a sufficient period of time for ending what was statutorily intended to be a temporary program.

Secretary's Decision:

1. Terminate: Terminate Nicaragua's designation

Approve/date



05-05-25

2. No Decision/Automatic Extension: Delay a decision on Nicaragua's designation, resulting in an extension of 6 months

Approve/date _____

3. Extend: Extend Nicaragua's existing designation for 6, 12, or 18 months

Specify duration of extension (6, 12, or 18 months): _____

Approve/date _____

Attachments:

Attachment A:	Temporary Protected Status Legal Authority, Nicaragua
Attachment B:	USCIS RAIO Country Conditions Report, Nicaragua
Attachment C:	USCIS OP&S Country Conditions Report, Nicaragua
Attachment D:	2024 DOS Recommendation and Country Conditions Report on TPS for Nicaragua

³⁹ See INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).